

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 31, 2009**

DIVISION ONE

B207419      Sherman      (Not for Publication)  
v.  
Sherman

The orders are affirmed. Respondent shall recover her costs of appeal.

Rothschild, J.

We concur:   Mallano, P.J.  
                    Chaney, J. (Assigned)

B209172 County of Los Angeles (Not for Publication)  
v.  
Accredited Surety & Casualty Company

The judgment is affirmed. Respondent is awarded its costs on appeal.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

DIVISION THREE

B214098      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
J.M.

The order terminating parental rights is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B206133      People      (Not for Publication)  
v.  
Frank William Yniguez

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B210871      People                                  (Not for Publication)  
v.  
Alfonso Brown

The judgment is modified by striking the \$400 restitution fine and the \$400 parole restitution fine imposed by the trial court. The \$200 restitution fine and the suspended \$200 parole restitution fine, remain in effect. The abstract of judgment is modified to reflect that the two-year term imposed in the low term, not the midterm. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting these modifications, and forward to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FIVE

B215264      Los Angeles County, D.C.F.S.      (Not for Publication)  
                 v.  
                 W.G.  
                 C.B.

The judgment is affirmed.

Mosk, J.

We concur:    Armstrong, Acting P.J.  
                 Kriegler, J.

B212722      People      (Not for Publication)  
                 v.  
                 Kesshawn Nelson

The judgment is reversed.

Armstrong, Acting P.J.

We concur:    Mosk, J.  
                 Kriegler, J.

DIVISION SIX

B211431      Roger Burlage et al.      (Certified for Publication)  
                 v.  
                 Ventura County Superior Court  
                 (Martha Martinez Spencer, r.p.i.)

We deny the petition for writ of mandate. We affirm the trial court's order vacating the arbitration award. Spencer shall recover costs.

Gilbert, P.J.

I concur:      Yegan, J.  
I dissent:      Perren, J. (Opinion)

August 31, 2009 (Continued)

## DIVISION SIX (continued)

B211835      People                                  (Not for Publication)  
v.  
Vincent Guy Bray

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B208495      People                                  (Not for Publication)  
v.  
Isidro Sales Gaspar

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Yegan, J.

B208748      Kling      (Certified for Publication)  
v.  
Ventura County Superior Court  
(The People, r.p.i.)

We grant the petition. Let a peremptory writ of prohibition issue directing the respondent superior court to vacate its order of June 18, 2008, granting the People's motion to unseal reporters' transcripts of in camera hearings conducted pursuant to section 1326, and to enter a new order denying the People's motion. The alternative writ is discharged and this opinion is made final immediately as to this court.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

## DIVISION SEVEN

B208466 People (Not for Publication)  
v.  
V. D.,

The judgment is affirmed.

Zelon, J.

We concur: Woods, Acting P.J.  
Jackson, J.

B209874 People (Not for Publication)  
v.  
Avila

The judgment is affirmed.

Zelon, J.

We concur: Perluss, P.J.  
Jackson, J.

B209451 Timothy Carda et al. (Not for Publication)  
v.  
John Amoroso

The judgment is reversed. The trial court is directed to vacate the order granting nonsuit for the defendant and to enter an order denying the motion for nonsuit. The matter is remanded for further proceedings consistent with the views expressed herein. Plaintiffs are to recover their costs on appeal.

Jackson, J.

We concur: Woods, Acting P.J.  
Zelon, J.

DIVISION SEVEN (continued)

B211303      Jeeraphan Miyaguchi      (Not for Publication)  
                 v.  
                 Darryl Miyaguchi

The order is affirmed.

Jackson, J.

We concur:    Perluss, P.J.  
                 Zelon, J.

B210626      Mark Slotkin      (Not for Publication)  
                 v.  
                 Diane Keith

The judgment is affirmed. Defendant is to recover her costs on appeal.

Jackson, J.

We concur:    Perluss, P.J.  
                 Zelon, J.

B202610      Amerisourcebergen Corporation et al.      (Not for Publication)  
                 v.  
                 Paul, Hastings, Janofsky & Walker LLP

The judgment is affirmed. Defendant shall be entitled to its costs on appeal.

Jackson, J.

We concur:    Woods, Acting P.J.  
                 Zelon, J.

DIVISION SEVEN (continued)

B213916      Tom McVeigh                      (Not for Publication)  
                 v.  
                 California State Lottery Commission

The judgment of dismissal is affirmed. The appeal from the order denying the motion for preliminary injunction is dismissed. CSLC is awarded its costs of appeal.

Jackson, J.

We concur:    Woods, Acting P.J.  
                 Zelon, J.

B212286      Tom McVeigh                      (Not for Publication)  
                 v.  
                 California Department of Justice

The judgment is affirmed. The Department is awarded its costs of appeal.

Jackson, J.

We concur:    Woods, Acting P.J.  
                 Zelon, J.

B209936      People                                      (Not for Publication)  
                 v.  
                 Molinari

The judgment is affirmed.

Jackson, J.

We concur:    Perluss, P.J.  
                 Woods, J.

August 31, 2009 (Continued)

## DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

B206563 People (Not for Publication)  
v.  
Garcia

The conviction of grand theft of an automobile (section 487, subd. (d)(1)) is reduced to taking or driving a vehicle (Veh. Code, section 10851, subd. (a)). In all other respects, the judgment of conviction is affirmed. The case is remanded for resentencing consistent with the views expressed herein.

Jackson, J.

We concur: Woods, J.  
Zelon, J.

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.



## DIVISION SEVEN (continued)

[illegible]

The judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.  
Zelon, J.

## DIVISION EIGHT

B206272      John Doe (WP)      (Certified for Publication)  
v.  
The Roman Catholic Archbishop of Cashel & Emly

The order granting Cashel & Emly's motion to quash service of process is affirmed. Respondent shall recover its appellate costs.

Rubin, Acting P.J.

We concur: Flier, J.  
Bendix, J. (Assigned)

B214145      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
T.O.,

In re An. O. et al., Person Coming Under the Juvenile Court Law.

The juvenile dependency court's orders dated February 13, 2009, are affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.

## DIVISION EIGHT (continued)

B205668 People (Not for Publication)

V.

Jeffrey Tyrone Jones

Appellant's sentence is reversed, and the matter is remanded for resentencing in accordance with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.  
Flier, J.

B208132 People (Not for Publication)

V.

Michael Jacquet Daniels

The judgment is affirmed.

Bendix, J. (Assigned)

We concur: Flier, Acting P.J.  
Bigelow, J.

B204541 Patricia Shelby Hewitt (Not for Publication)

V.

Keith B. Hewitt

The judgment is affirmed.

Bendix, J. (Assigned)

We concur: Flier, Acting P.J.  
Bigelow, J.

DIVISION EIGHT (continued)

B213200      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
M.B.,  
In re D.B., a Person Coming Under the Juvenile Court Law

The sustained allegation against father under section 300, subdivision (b) is set aside, and the dispositional order removing custody from father is reversed. The judgment is otherwise affirmed.

Bendix, J. (Assigned)

We concur: Rubin, Acting P.J.  
Bigelow, J.

B205543      People      (Not for Publication)  
v.  
George Arnott

The \$600 restitution fine and the \$135 laboratory analysis fee imposed on November 16, 2007, are stricken, and the trial court is ordered to issue and amended abstract of judgment showing the breakdown of the laboratory analysis fee and attendant penalties reflected in the court's February 23, 2007 minutes. The \$600 parole revocation fine and \$600 probation revocation fine imposed on November 16, 2007, are reduced to \$200 each, and the court is ordered to ensure that the amended abstract of judgment reflects the corrected amounts. In all other respects, the order revoking probation is affirmed.

Bendix, J. (Assigned)

We concur: Rubin, Acting P.J.  
Flier, J.

August 31, 2009 (Continued)

## DIVISION EIGHT (continued)

B209260      People      (Not for Publication)  
v.  
Jeron Markeise Combs

The clerk of the superior court is directed to amend the abstract of judgment to award appellant 395 days of presentence custody credit and to forward a copy of the corrected abstract to the Department of Corrections and Rehabilitation. As amended, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.  
Bigelow, J.